

Remarks

Claims 32-64 have been canceled. New claims 65-117 will be pending in the application.

Rejection of Claims 32-64

These claims have been canceled. Accordingly, the rejection of these claims is now moot.

New Claims 65-117

As stated in Applicant's first reply, Torvinen describes a method and system for organizing a group session between members based on their location or proximity and the technical capabilities considered to be necessary to engage in the group session as determined by the organizing terminal. While Torvinen makes brief reference to presence servers, it does not teach nor suggest using presence information to dynamically create a group for a group communication session. At page 2 of the Office Action of June 6, 2006 the Examiner appears to accept this statement of Torvinen and refers to Hines (U.S. Patent App. Pub. No. 2004/0203922) to assert that presence information is known in the art in support of the rejection of former claim 32. In view of this statement, the Applicant respectfully submits that an anticipation rejection of former claim 32 cannot be maintained given that Torvinen fails to disclose all the elements of the claim as previously argued and as acknowledged by the Examiner. The Applicant respectfully submits that any further rejection based on presence information must be based on obviousness and a combination of two or more references of record. In view of the present amendments, further comment on the Examiner's previous remarks do not appear to be necessary.

New claim 65 is directed to a method of creating and managing a group of mobile stations for a communication session in a communications network. The communication session is one in which users of respective mobile stations communicate with one another. The method comprises the steps of **publishing information about one or more particular users of respective mobile stations to the communications network**, and receiving at least one rule for defining a member of group. The at least one rule is **defined by criteria comprising published information about respective users of mobile stations** and is received in association with a group address. The group is then dynamically populated with members

having published information that matches the published information criteria of the at least one rule. Examples of published information are found in the dependent claims 66-69 etc.

Torvinen is concerned with location information. Although the term “location/presence servers” is mentioned in passing in paragraph 29, this is clearly in the context of location services and is not relevant to published information about one or more particular users of respective mobile stations as in new claim 65. It is unclear what is meant by this passing reference. At best, one may argue that Torvinen suggests that location information may be stored on a presence server – not published. However even this interpretation of Torvinen is tenuous given this mere passing reference. Either way, the use of published information about a user in creating a group for a group communication session is not discussed anywhere in Torvinen, nor is it taught nor suggested by Torvinen in combination with any of the other references.

Location information, as that term is used in Torvinen, is a term of art which would be readily understood by a skilled work in the industry. “Location information” is information about the actual location of the mobile station that is determined, verified, and maintained by the communication network, for example by communications between the mobile device and local base stations etc. Published information, in contrast, is information published by a mobile station on behalf of a user to the communication network, thereby making such information available to other users to view. Published information may relate to a mood of the user or state, or user-based criteria such as that provided in new dependent claims 66-69 of the present application. “Location information”, as that term is used in Torvinen, is not published to a communication network nor is it accessible by other users of the network, rather it is managed and accessible only by the communication network. Although the present application contemplates what is described as “published” location information (see new claim 68), this is different than the type of location information contemplated by Torvinen which is managed by the network. In the present application, location information managed by the network – which is

described in Torvinen - appears in new claim 70 as additional criteria for defining a group on top of published information.

The “published” location information about the user referred to in claim 68 is distinct from regular location information managed by the communication network. Here, the “published” location information is that published by a respective mobile station on behalf of its user to the communication network which may, in fact, be incorrect or false because it is based on what the user says the location is. Although “proper” location information may also be used (e.g., new claim 70), this is in addition to the published information.

In summary, the use of published information about a user to define a group, and then populating the group with members having published information which matches the published information in the group definition is not disclosed by Torvinen in any way, nor is it taught or suggested by Torvinen in combination with any of the other references of record.

The use of published information about the user provides for user-centric criteria to be used in defining a group, and may include such things as personal preferences (e.g. food preferences for creating a lunch group), common interests (e.g. hobbies for creating a recreational or social group), and/or a group of preselected mobile stations (e.g. friends) – see for example new claims 66-67. Torvinen determines potential group members to invite to a group session based on location/proximity information and the technical capabilities determined to be necessary to engage in the group session as determined by the organizing terminal.

The Examiner has cited Amir (PCT Patent App. Pub. No. WO/0197539) in combination with Torvinen as rendering previously claims 56-64 relating to the user-centric nature of the rule as being obvious. Amir discloses a method and system for broadcasting messages to a plurality of cellular telephones of a targeted group of subscribers where the subscribers have at least one subscriber characteristic (which may be a personal characteristic of a subscriber or an operational characteristic of the telephone) considered to be suitable for broadcast of the message.

Unlike the claimed invention of new claims 65 to 93 which is directed to organizing a group for a group communication session, Amir is directed to broadcasting messages for display on cellular telephone. Although the Examiner states that Amir is in an analogous art field, broadcasting messages for display on a telephone and creating and managing a group for a group communication session cannot fairly be considered analogous even though they both may be implemented on a hand-held communication device. Amir provides a targeted marketing system for displaying advertising messages or the like on a phone based on subscriber characteristics stored on a database in a subscriber profile or the like. This information could be collected via different means. Amir effectively provides a SPAM-type marketing approach but applied to display-enabled cellular phones rather than email. In the claimed invention, a group communication session such as a group chat is being organized. Although Amir targets a group of subscribers based on their subscriber profiles to direct an advertising message at one time, Amir is not concerned with organizing a group communication session between users.

In addition, the system in Amir does not use published information about users to determine to whom the broadcast message should be sent, rather Amir relies on stored subscriber characteristics obtained about users (subscriber) held in a database. There is no teaching or suggestion in Amir to use published information, and in fact such an adaptation would counter the purpose of Amir since subscribers could publish information about themselves which would cause them not to receive the targeted messages so as to avoid this "SPAM". In this way, Amir actually teaches away from the claimed invention. Thus, there is no motivation or teaching in either Torvinen or Amir to combine these references. Even when combined, Torvinen and Amir do not arrive at the claimed subject matter.

In view of the above discussion, the subject matter of new claim 65 is considered to be both novel and non-obvious in view of Torvinen and the other references of record, alone and in combination with any of the cited publications. Additionally, the dependent claims that depend directly or indirectly from claim 65 are also considered to be novel and non-obvious for at least the same reasons. Although the dependent claims contain additional features and limitations which

further distinguish the claimed invention from the art of record, the Applicant believes that the above discussion sufficiently distinguishes the claimed invention from the prior art or record.

New claims 76 to 78 have been added to claim the feature of the group having anonymous members as described, for example, at paragraph 63 of the application as published. No new matter has been added. New claims 114 to 117 relate to the publication by the user of an interest from which membership in a dynamic group is determined, for example, an interest in joining a particular dynamic group or of joining dynamic groups generally as described, for example, at paragraphs 60 and 61 of the application as published. These features are not disclosed in Torvinen, nor are they taught or suggested by Torvinen in combination with any of the cited publications.

New claims 94-113 recite: a server for creating and managing a group of mobile stations, a method of operating such a server, a mobile station for initiating a communication session among other mobile stations in a communication network, and a method of operating such a mobile station. Independent claims 94, 103, 104 and 113 each recite limitations similar to those of claim 65 described above. Accordingly, these claims and their related dependent claims are considered to be novel and non-obvious for at least the same reasons given for claim 65 above.

Conclusion

In light of the foregoing arguments, it is respectfully submitted that claims 65-117 are in proper form for issuance of a Notice of Allowance and such action is respectfully requested at an early date.

In the event that any outstanding matters remain with this application, Examiner is invited to telephone the undersigned at 412-566-1920 to discuss such matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Diaz", with a stylized flourish at the end.

Robert A. Diaz
Attorney for Applicant

Eckert Seamans Cherin &
Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219